

# EXHIBIT 10

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION

5 WSOU INVESTMENTS, LLC )  
6 d/b/a, BRAZOS LICENSING AND )  
7 DEVELOPMENT )  
8 Plaintiff, ) Case No.  
9 vs. ) 6:20-cv-585-ADA  
10 GOOGLE LLC, )  
11 Defendant. )

VIDEOTAPED DEPOSITION OF DR. TODOR COOKLEV  
Zoom Videoconference  
May 12, 2023  
Volume I

21           Reported by:  
22            KAYLA M. KNOWLES  
23            CSR No. 14071  
23            Job No. 5916878

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10 ) Case No.  
11 vs. ) 6:20-cv-585-ADA  
12 )  
13 GOOGLE LLC, )  
14 )  
15 Defendant. )

13 Videotaped deposition of DR. TODOR COOKLEV,  
14 Volume I, taken on behalf of Defendant, through Zoom  
15 Videoconference, beginning at 9:11 p.m., and ending  
16 at 4:50 p.m., on Friday, May 12, 2023, before Kayla  
17 Knowles, Certified Shorthand Reporter No. 14071.

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18

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20 Also Present:

21

22

23

24

25

Jefree Anderson, Videographer

1                   THE WITNESS: Well, what I mean is the  
2 patent mentions active mode.

3                   (Reporter clarification.)

4 BY MS. WARREN:

5                   Q     So in passive mode, there is an additional   12:35:57  
6 step where, based on content, the system can  
7 determine whether or not a stationary state is a  
8 member of the primary set of stationary states?

9                   A     That could be additional information that  
10 the system takes into account, yes.                   12:36:36

11                  Q     If you wanted to implement this embodiment,  
12 this passive mode, how would you do it?

13                  MR. WIN: Objection. Form.

14                  THE WITNESS: In this precise question, as  
15 asked, it is -- it is infringement-related because   12:37:01  
16 you're asking me now how would I implement, and the  
17 specification provides sufficient guidance.

18                  (Reporter clarification.)

19 BY MS. WARREN:

20                  Q     And so my question -- oh, sorry.                   12:37:39

21                  A     Yeah, the specification provides sufficient  
22 guidance, how a person of ordinary skill in the art  
23 would implement the invention, but I have not  
24 performed a detailed analysis from this perspective.  
25 I did not have the task to sit down and implement it   12:38:07

1 into account to determine whether a stationary state  
2 should be a member of the primary set of stationary  
3 states?

4 MR. WIN: Objection. Form.

5 THE WITNESS: I'm not sure I agree with 12:47:23  
6 this. Here in Column 8 -- a passive mode and an  
7 active mode are described in Column 8.

8 (Reporter clarification.)

9 THE WITNESS: And according to the passive  
10 mode, a server can listen to the content pushed out 12:48:07  
11 from the device. And based on this content, the  
12 information can be derived.

13 In the active mode, the user is prompted or  
14 polled to derive -- there are two examples. And the  
15 initial driver for this is when the system believes 12:48:35  
16 that a stationary state is of some importance.

17 BY MS. WARREN:

18 Q So I have two separate questions in  
19 response to what you just said. The first one is:  
20 To clarify, I understand that passive and active 12:48:56  
21 mode are two different things. In the passive mode,  
22 when the system is listening to content pushed out  
23 from the device, what content informs whether or not  
24 a particular stationary state is a member of the  
25 primary set? 12:49:20

1           A     Any type of content that pushed out from  
2     the device could be used, it seems to me. What  
3     exactly is a set, I did not analyze this. But any  
4     type of content.

5           Q     And what about that content would tell you 12:50:13  
6     whether the stationary state is a member of the  
7     primary set of stationary states or not?

8           A     Now, any type of content can be used for  
9     this.

10          Q     Can be used for what? 12:51:11

11          A     Can be used to derive additional  
12     information.

13          Q     What additional information would you need  
14     to determine whether a particular stationary state  
15     is a member of the primary set of stationary states? 12:51:38

16          A     According to the passive modes, for  
17     example, what is pushed out from the mobile device.

18          Q     So there's no specific category of  
19     information that you think is particularly important  
20     to collect in order to determine whether or not a 12:52:38  
21     particular stationary state is a member of the  
22     primary set?

23          A     Yeah, any type of content can be used.

24          Q     Let's say you got a step count from the  
25     mobile device. Could that content be used to 12:53:11

1 example. It seems to me that any type of content --  
2 the type of content that we've been talking about,  
3 that any type would be -- could be used here, and I  
4 did not consider specific examples.

5 BY MS. WARREN:

01:17:03

6 Q If any type of content could be used, would  
7 any type of content confirm that a particular  
8 stationary state is a member of the primary set?

9 MR. WIN: Objection. Form.

10 THE WITNESS: I -- no. I think the answer

01:17:20

11 to your question is no.

12 BY MS. WARREN:

13 Q Okay. Let me -- are there any other  
14 examples that we have not yet discussed of how a  
15 person of skill in the art would understand how to  
16 implement the determining of a primary set of  
17 stationary states?

01:17:50

18 A In general, there is an additional step  
19 to -- after determining that a stationary state is  
20 among the most frequent stationary states. So as  
21 far as what this additional step could involve,  
22 these are -- these are certainly some examples of --  
23 I'm just -- I don't know that I can agree right now  
24 that these are all the examples.

01:18:34

25 Q Can you think of --

01:19:13

1       associated address are within the primary set of  
2       stationary states?

3                    MR. WIN: Objection. Misstates testimony.

4                    THE WITNESS: Whether all what?

5       BY MS. WARREN:

03:59:30

6                    Q       Are all most frequent states that have an  
7       associated GPS location, like a street address,  
8       within the primary set of stationary states?

9                    A       I wouldn't say that. I wouldn't say that

10       all of them have a GPS address. But this is -- just

03:59:55

11       the GPS can provide further context.

12                   Q       How does knowing the street address

13       determine whether something is or is not within the

14       primary set?

15                   MR. WIN: Objection to form.

04:00:23

16                   THE WITNESS: It provides for the context.

17       Maybe one way is to verify that -- by verifying that

18       it is a valid address. And this is one way.

19       BY MS. WARREN:

20                   Q       So if a stationary state is a most frequent   04:00:55  
21       stationary state and has a valid street address, is  
22       that a member of the primary set of stationary  
23       states?

24                   MR. WIN: Objection to form.

25                   THE WITNESS: It -- it could be.

04:01:11

1 user to input a label for a location does not meet  
2 determining a primary set of stationary states?

3 MR. WIN: Objection. Form.

4 THE WITNESS: Yes.

5 BY MS. WARREN:

04:20:52

6 Q And just below -- it's actually on page 10.  
7 Let me find you a line. Oh, gosh. There's no line  
8 numbers. Okay. So --

9 A Paragraph numbers.

10 Q Yeah, it was just -- I'm sorry. I was  
11 trying to be more helpful than that, but all right.

12 So here we are. It starts with, "In  
13 another approach." It's about -- it's at the fourth  
14 line down on page 10 in paragraph 104. It starts  
15 with, "In another approach." Do you see that?

04:21:26

16 A Fourth line -- oh, yes.

17 Q Yes.

18 A I see it.

19 Q Sorry. Okay.

20 So here it says, "In another approach, the  
21 mobile device automatically prompts the user to  
22 provide a label for a particular location when the  
23 location is visited frequently." Do you see that?

24 A I do.

25 Q And so is it your opinion that

04:21:53

1 automatically prompting the user to provide a label  
2 for a particular location when the location is  
3 visited frequently does not meet determining a  
4 primary set of stationary states?

5 MR. WIN: Objection. Form. 04:22:13

6 THE WITNESS: Yes, that is my opinion  
7 because the concept of primary set or an equivalent  
8 set -- so this concept is missing by Westerinen.  
9 There's a label, yes, and the label of the

10 particular location -- the -- 04:23:08

11 (Reporter clarification.)

12 THE WITNESS: The label for a particular  
13 location, when the location is visited frequently.

14 BY MS. WARREN:

15 Q So is it -- okay. 04:23:44

16 So it's your opinion that just storing  
17 visited locations or the number of times a place is  
18 visited over some period of time, that does not meet  
19 determining a primary set of stationary states?

20 A Sorry. Are you talking about the same 04:24:08  
21 paragraph of Westerinen?

22 Q Yes. So here it says -- actually, there's  
23 more to this paragraph. I suppose we can go through  
24 it one by one.

25 After the portion we just read, it says, "A 04:24:18

1 threshold number of times or for a threshold period  
2 of time, including a minimum cumulative time over  
3 multiple visits to the location and a minimum time  
4 per visit."

5 So putting all of that together, keeping 04:24:35

6 all of this data regarding the frequency of visits,  
7 the threshold number of times, and/or for a  
8 threshold period of time, including a minimum  
9 cumulative over multiple visits to the location,  
10 that's not enough? 04:24:55

11 A Well, these are --

12 (Reporter clarification.)

13 THE WITNESS: Each of these are related.

14 But just like -- just like when the location is  
15 visited frequently is related -- so each of these 04:25:32  
16 are related, and what Westerinen says here is that  
17 the mobile device automatically prompts the user to  
18 provide the label. But there is -- there is no set,  
19 and -- there is no set.

20 (Reporter clarification.) 04:26:26

21 BY MS. WARREN:

22 Q So when you say that "there is no set," do  
23 you mean that just storing the frequency or the  
24 number of times that a mobile device has visited the  
25 location does not meet this claim element? 04:26:46

1 I, DR. TODOR COOKLEV, do hereby declare  
2 under penalty of perjury that I have read the  
3 foregoing transcript, that I have made any  
4 corrections as appear noted, in ink, initialed by  
5 me, or attached hereto; that my testimony as  
6 contained herein, as corrected, is true and correct.

7  
8  
9 EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at  
10 \_\_\_\_\_, \_\_\_\_\_.

11 (City)  
12  
13  
14  
15 \_\_\_\_\_

16 DR. TODOR COOKLEV  
17  
18 VOLUME I  
19  
20  
21  
22  
23  
24  
25

1                   I, the undersigned, a Certified Shorthand  
2                   Reporter of the State of California do hereby  
3                   certify:

4                   That the foregoing proceedings were taken  
5                   before me at the time and place herein set forth;  
6                   that any witnesses in the foregoing proceedings,  
7                   prior to testifying, were duly sworn; that a  
8                   verbatim record of the proceedings was made by me  
9                   using machine shorthand which was thereafter  
10                  transcribed under my direction; that the foregoing  
11                  transcript is an accurate transcription thereof.

12                  I further certify I am neither financially  
13                  interested in the action nor a relative or employee  
14                  of any attorney or any of the parties.

15                  IN WITNESS WHEREOF, I have this date  
16                  subscribed my name.

17  
18                  Dated: May 26, 2023.

19  
20                    
21

22                  KAYLA KNOWLES

23                  CSR No. 14071